

UNITED STATES DISTRICT COURT

for the

Middle District of Pennsylvania

Civil Division

Deborah Lamoreaux

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Wyoming Area School District

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

3:21cv1155

(to be filled in by the Clerk's Office)

Mehalchick

Jury Trial: (check one) ☒ Yes ☐ NoFILED
SCRANTON

JUN 29 2021

PER AWO
DEPUTY CLERK

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Deborah Lamoreaux

Street Address

53 Friend Street

City and County

Pittston City, Luzerne County

State and Zip Code

Pennsylvania 18640

Telephone Number

(570) 762-1359

E-mail Address

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name
Job or Title (*if known*)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (*if known*)

Wvoming Area School District

20 Memorial Street

Exeter Borough, Luzerne County

Pennsylvania 18643

(570) 655-2836

Defendant No. 2

Name
Job or Title (*if known*)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (*if known*)

Defendant No. 3

Name
Job or Title (*if known*)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (*if known*)

Defendant No. 4

Name
Job or Title (*if known*)
Street Address
City and County
State and Zip Code

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

Telephone Number

E-mail Address (if known)

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name

Street Address

City and County

State and Zip Code

Telephone Number

Wyoming Area School District

20 Memorial Street

Exeter Borough, Luzerne County

Pennsylvania 18643

(570) 655-2836

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

Other federal law (specify the federal law):



Relevant state law (specify, if known):



Relevant city or county law (specify, if known):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☒ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☐ Retaliation.
- ☐ Other acts *(specify)*:

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

Summer of 2017

C. I believe that defendant(s) *(check one)*:

- ☒ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- | | | |
|-------------------------------------|--|--|
| <input type="checkbox"/> | race | <div style="border: 1px solid black; width: 250px; height: 25px;"></div> |
| <input type="checkbox"/> | color | <div style="border: 1px solid black; width: 250px; height: 25px;"></div> |
| <input checked="" type="checkbox"/> | gender/sex | female |
| <input type="checkbox"/> | religion | <div style="border: 1px solid black; width: 250px; height: 25px;"></div> |
| <input type="checkbox"/> | national origin | <div style="border: 1px solid black; width: 250px; height: 25px;"></div> |
| <input checked="" type="checkbox"/> | age <i>(year of birth)</i> | 6/23/1964 <i>(only when asserting a claim of age discrimination.)</i> |
| <input type="checkbox"/> | disability or perceived disability <i>(specify disability)</i> | <div style="border: 1px solid black; width: 400px; height: 25px;"></div> |

- E. The facts of my case are as follows. Attach additional pages if needed.

That during the summer of 2017 two custodial position were available at Wyoming Area School District. Deborah Lamoreaux applied for both positions since she had been employed there for 13 years and had seven years of custodial experience. She took both the written test and the practical test. However, there was no interview. Deborah did not get either position but it is interesting to note that of the two positions one went to Kim Biscotto and the other to Frank Rico. Kim Biscotto is the mother of Justin Searfoss.

When Deborah was not awarded one of the jobs, she made a complaint and requested a meeting with Superintendent Janet Serino, Frank Pugliese, Supervisor of Buildings and Grounds, Deborah Konopka, Union President, and David Humko, Union Vice President. At the meeting Deborah was informed that she did not receive a position because she had lower test scores and that the positions were awarded based on the highest test scores. There was no mention of an interview score.

When the next custodial position became open in 2017 Deborah immediately applied for it. Justin Searfoss, son of Kim Biscotto, who was awarded the first custodial position, was 23 years old at the time and he also applied for the position even though he only had three years of experience on the job but no custodial experience.

Both individuals were given a written test and a practical test. Deborah had a higher score than Mr. Searfoss on the written test and their scores on the practical test were equal. However, an additional requirement was added to the interview process, that being a personal interview. They received a score on the purported interview by various individuals and it is here that Deborah lost out because the people conducting the interviews were clearly biased and unfair in grading the interview. In fact, the scores were intentionally and maliciously changed in order to give Mrs. Biscotto's son, Jason Searfoss, the position.

The custodial interviews were conducted on October 11, 2018 and the following individuals conducted the interviews: Frank Pugliese, Missy Collevecchio, Kathy Ranieli and David Pacchioni. It is on the alleged interview answers that got Mr. Searfoss the job.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

06/25/2018

- B. The Equal Employment Opportunity Commission (check one):

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on (date)

5/3/2021

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (*check one*):

- ☒ 60 days or more have elapsed.
☐ less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Lost Wages (Excluding Overtime) - \$275,000.00
 Lost Benefits - \$126,000.00
 Liquidated Damages - \$401,000.00
 Legal Fees -

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

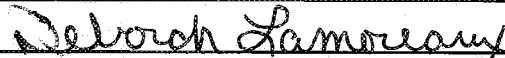
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

6/29/2021

Signature of Plaintiff



Printed Name of Plaintiff

Deborah Lamoreaux

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

B. For Attorneys

Date of signing:

6/29/2021

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

Joseph F. Sklarosky, Sr., Esq.

19000

Sklarosky Law

400 Third Avenue, Suite 100, Kingston

Pennsylvania 18704

570-283-1200

ifs@sklaroskv.com

EEOC Form 161-B (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Deborah Lamoreaux
9 Kennedy Street
Pittston, PA 18640

From: Philadelphia District Office
801 Market Street
Suite 1000
Philadelphia, PA 19107

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

530-2018-03334

Legal Unit,
Legal Technician

(267) 589-9700

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

☒

More than 180 days have passed since the filing of this charge.

☐

Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.

☒

The EEOC is terminating its processing of this charge.

☐

The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

☒

The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.

☐

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



Dana R. Hutter,
Deputy Director

04/30/21

(Date Issued)

CC:

Jarrett J. Ferentino, Esq.
Pugliese Finnegan Shaffer & Ferentino LLC
575 Pierce Street
Kingston, PA 18704

Joseph F. Sklarosky Sr., Esq.
SKLAROSKY LAW
400 Third Avenue
Suite 100
Kingston, PA 18704

Enclosure with EEOC
Form 161-B (11/2020)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope or record of receipt, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was issued to you** (as indicated where the Notice is signed) or the date of the postmark or record of receipt, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do **not** relieve you of the requirement to bring suit within 90 days.

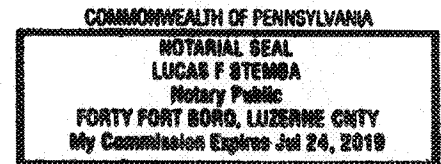
ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION		Charge Presented To: Agency(ies) Charge No(s):	
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
Pennsylvania Human Relations Commission		530-2018-03334	
State or local Agency, if any			
Name (indicate Mr., Ms., Mrs.)		Home Phone (Incl. Area Code)	Date of Birth
Deborah Lamoreaux		(570) 762-1359	1964
Street Address		City, State and ZIP Code	
9 Kennedy Street, Pittston, PA 18640			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name		No. Employees, Members	Phone No. (Include Area Code)
WYOMING AREA SCHOOL DISTRICT		201 - 500	(570) 655-3733
Street Address		City, State and ZIP Code	
20 Memorial Street, Exeter, PA 18643			
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).)		DATE(S) DISCRIMINATION TOOK PLACE	
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		Earliest Latest 10-01-2017 10-01-2017 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
(See Attached)			



I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.	NOTARY – When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT <i>Deborah Lamoreaux</i> SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <input type="checkbox"/> (month, day, year) June 20, 2018 <i>Lucas F. Stems</i>
Date 6-20-18	Charging Party Signature <i>Deborah Lamoreaux</i>

June 20, 2018

EEOC

Philadelphia District Office

801 Market Street, Suite 1300

Philadelphia, PA 19107

To Whom It May Concern:

My name is Deborah Lamoreaux. I am 53 years old and live at 9 Kennedy Street, Pittston Pennsylvania 18640. I began working for the Wyoming Area School District in 2004 as a part-time food service employee. I am also a member of the Wyoming Area Education Support Professionals Association, ESPA-PSEA-NEA. The address for Wyoming Area School District is 20 Memorial Street, Exeter, Pennsylvania 18643.

In October of 2017 a full time custodial position became vacant and a test was scheduled for interested individuals. I took the test and was later advised by Mr. Frank Pugliese, the Human Resources Manager, that I scored the highest score on the test for the full time custodial position. However, I was not awarded the position. I believe that I was not given the position because of my age and sex.

I asked my union to file a grievance but they refused so I followed the steps in my Working Agreement. I have exhausted my remedies under the contract. I also believe my Constitutional Rights were also violated since I have a right to pursue my grievance if the union refuses to do so.

Very truly yours,

/s/ Deborah A. Lamoreaux

Deborah A. Lamoreaux

cc: Joseph F. Sklarosky, Sr., Esq.

DAL/lfs

FILED
JUN 22 2018
PHILADELPHIA, PA
P 4:03